

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

STEPHANIE KELLY W.,)
Plaintiff,)
)
v.) Case No. 2:21-cv-00329-LEW
)
KILOLO KIJAKAZI,)
Acting Commissioner of Social Security,)
Defendant.)

ORDER

Pursuant to the power of this Court to award fees and expenses to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A), and in light of this Court's April 25, 2022 Order and April 29, 2022 Judgment remanding this case to the defendant Acting Commissioner for further administrative proceedings,

IT IS HEREBY ORDERED that the United States Social Security Administration shall pay attorney's fees in the amount of five thousand four hundred forty-one dollars and seventy-six cents (\$5,441.76), in full satisfaction of any and all attorney's fee and expenses claims Plaintiff may have in this case under the Equal Access to Justice Act.

Pursuant to the United States Supreme Court's ruling in *Astrue v. Ratliff*, 560 U.S. 586 (2010), these attorney's fees are payable to Plaintiff as the prevailing party, and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attorney's fees to offset, the Commissioner may honor Plaintiff's November 1, 2021

signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, Plaintiff is discovered to owe the government any debt subject to offset, the Commissioner may pay any attorney's fees remaining after such offset to Plaintiff rather than to counsel.

SO ORDERED.

Dated this 26th day of May, 2022.

/s/ Lance E. Walker
UNITED STATES DISTRICT JUDGE